

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TAHEIM TRAYWICK,)	CASE NO. 1:11 CV 213
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
BILL MASON, Prosecuting Attorney,)	<u>AND ORDER</u>
)	
Defendant.)	

On January 31, 2011, this 42 U.S.C. § 1983 action was filed by Benjamin J. Wherry, purportedly on behalf of his daughter, Taheim Traywick, against Cuyahoga County Prosecutor Bill Mason. Traywick is currently incarcerated in an Ohio Correctional Institution, based on her recent guilty plea and convictions in the Ohio Court of Common Pleas. *See, State v. Traywick*, Cuyahoga County Common Pleas Case No. CR-10-536300.¹ It is apparent from the complaint and accompanying documents that Wherry seeks to challenge the validity of the convictions.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary

¹ http://cpdocket.cp.cuyahogacounty.us/p_CR_Docket.aspx

relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

A pro se litigant, who is not an attorney, cannot represent other pro se parties. See §28 U.S.C. 1654 ("parties may plead and conduct their own cases personally or by counsel"). Further, when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." *Preiser v. Rodriguez*, 411 U.S. 475, 501 (1973).

Accordingly, this action is dismissed under 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 2/16/11